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Notice of Allowability

Application No.

09/871,470

Examiner

Kuo-Liang J Tang

Applicant(s)

CONNOR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/11/2004.
2. ☒ The allowed claim(s) is/are 1,4-28,30 and 32-39.
3. ☒ The drawings filed on 5/17/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Hoang-Antony Nguyen

ANTONY NGUYEN-BA
PRIMARY EXAMINER

DETAILED ACTION

1. This Office Action is in response to the amendment filed on 5/31/2004.

Claims 1, 4-28, 30 and 32-39 are allowed.

REASON FOR ALLOWANCE

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, “(1) restructure anything, much less (2) order software components based on the ease or difficulty of reconstructing programming constructs” as recited in **independent claims 1**; Iida et al. (US. Patent No. 5,950,213) and Fontana et al., (US Patent No. 6,167,564) fail to teach, in combination with the other claimed limitations, “preserve investments made in legacy system” as recited in **independent claims 14 and 28**.

The closet cited prior arts, Iida et al. (US. Patent No. 5,950,213) discloses “identifying at least some predetermined characteristics in at least some of the software components in the collection; based on the identified predetermined characteristics, listing at least some of the software components in a ranked order representative of the ease or difficulty of restructuring the components for use in at least one Internet application, the predetermined characteristics including programming constructs.” as recited in **independent claims 1**; Iida et al. (US. Patent No. 5,950,213) and Fontana et al., (US Patent No. 6,167,564) fail to disclose “a wide area computer network site and an ordered list of at least some of the software components, the list indicating restructuring the components for use on the wide area computer network site.” as recited in

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independent claims 14 and “a computer readable medium having a program of instructions thereon for causing a computer to generate an ordered list of at least some software components the characteristic being at least one programming construct selected from the group of constructs Terminal I/O constructs, External Flow Transfer constructs, Data I/O constructs, and Computational constructs; and logic means for identifying at least one predetermined characteristic in at least some of the components; and logic means for generating the ordered list based at least in part on the means for identifying.” as recited in **independent 28**.

The closest cited prior arts, Matsushita (JP 95162203A) discloses an evaluation unit (10) evaluates the degree of resulting predetermined program module, based on the obtained rank of input-output information. However Matsushita (JP 95162203A) fail to teach “order software components based on the ease or difficulty of reconstructing programming constructs” as recited in **independent claims 1, 14 and 28**.

However, The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, “(1) restructure anything, much less (2) order software components based on the ease or difficulty of reconstructing programming constructs” as recited in **independent claims 1**; Iida et al. (US. Patent No. 5,950,213) and Fontana et al., (US Patent No. 6,167,564) fail to teach, in combination with the other claimed limitations, “preserve investments made in legacy system” as recited in **independent claims 14 and 28**.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly label "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is 703-305-4866. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kuo-Liang J. Tang

Software Engineer Patent Examiner

Hoang Anton Nguyen Ba

ANTONY NGUYEN-BA
PRIMARY EXAMINER